

REMARKS

The present Amendment is responsive to the Official Action of October 20, 2008. The Official Action rejected independent Claims 1, 15, and 25, and various dependent claims, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0020744 to Ellis *et al.* ("*Ellis*"; which incorporates by reference each of U.S. Patent No. 7,185,355 to Ellis *et al.* ("*Ellis II*") and U.S. Patent Application Publication No. 2003/0149988 to Ellis *et al.* ("*Ellis III*"). The Official Action rejected independent Claim 10, and several dependent claims, under 35 U.S.C § 103(a) as being obvious over the combination of *Ellis*, U.S. Patent No. 6,532,589 to Proehl *et al.* ("*Proehl*"), and U.S. Patent No. 6,430,359 to Yuen *et al.* ("*Yuen*"). Other dependent claims were rejected under 35 U.S.C § 103(a) as being obvious over *Ellis* in combination with one or more of *Proehl*, *Yuen*, or U.S. Patent No. 6,369,840 to Barnett *et al.* ("*Barnett*"). Claim 2 was also objected to for informalities.

By this Amendment, Claims 1, 8-11, 15, 23, 25, 31-33, 36, 37, and 41 have been amended. Reconsideration of the claims in view of the preceding amendments and the following remarks is respectfully requested.

I. Claim Rejections

Amended independent Claim 1 reads

1. A method comprising:
 - accessing an electronic programming guide, the electronic programming guide listing a plurality of specific instances of scheduled broadcast programs in relation to respective unique scheduled times and channels and comprising information associated with each of the plurality of scheduled broadcast programs;
 - displaying the accessed electronic programming guide on the electronic display;
 - receiving a user selection of at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide; and
 - in response to said receiving a user selection, visually associating

in the electronic programming guide a user identifier with the at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs selected in the accessed electronic programming guide.

Each of the independent claims recites, in one form or another, "selecting a specific instance of a broadcast program in an electronic programming guide" and "visually associating with the selected specific instance of the broadcast program a user identifier in the electronic programming guide in response to the user selection."

In rejecting Claim 1, the Official Action states that

Regarding claim 1, Ellis discloses a method comprising: . . .

in response to the receiving a user selection, visually associating in the electronic program guide a user identifier with the at least one of the plurality of scheduled broadcast programs selected in the accessed electronic program guide (see include, but are not limited to, figures 5-8c, 11; E355: figures 14, 24, col. 13, lines 37-56 - e.g., associated Joe's identifier "J" with "Football" program or "ER" program; Mike's identifier "M" with "Dante's Peak", "SEINFELD", etc.).

See p. 5 of the Official Action. However, Applicant respectfully submits that the cited portions of *Ellis* (and the references incorporated therein) do not disclose "selecting a specific instance of a broadcast program in an electronic programming guide" and "visually associating with the selected specific instance of the broadcast program a user identifier in the electronic programming guide in response to the user selection," as recited, in one form or another, in each of the independent claims.

Applicant initially notes that Figs. 5-8c and 11 of *Ellis* do not show any user identifiers at all. With respect to *Ellis II* (referred to by the Official Action as "E355"), the cited passage and related figures do indeed discuss the use of user identifiers in an electronic programming guide, but these user identifiers are placed in the electronic programming guide automatically as a

function of a user's separately specified preferences, and not in response to selection of a specific instance of a broadcast program from within the electronic programming guide (which electronic programming guide, Claim 1 recites, "lists a plurality of specific instances of scheduled broadcast programs in relation to respective unique scheduled times and channels").

In rejecting Claim 10, the Official Action states

in response to the transferring the information to the accessed electronic calendar, visually associating in the electronic calendar a user identifier with the at least one of new broadcast event entry (in response to the transferring the information to the accessed recording lists, program list when a particular category, or program listing is selected, visually associating in the recording list, or customized program guide list, a user identifier such as user 1, user 2, or "M", "J" with the at least one of the new broadcast event try (see include, but are not limited to, E988: E988: figures 5, 14a-18f; E355: figure 24, col. 13, lines 37-53 and also discussed in the rejection of claim 1).

See p. 18 of the Official Action.

Applicant respectfully submits that the cited references fail to teach the aspect at issue. Specifically, the cited portion of *Ellis II* ("E355") was addressed above. Regarding *Ellis III* (referred to by the Official Action as "E988"), none of Figs. 14a-18f appear to include a user identifier. Fig. 5 of *Ellis III* appears to disclose a table (120) that includes a list of programs to be recorded and users requesting such recording. However, *Ellis III* indicates that Fig. 5 is an "illustrative data flow diagram showing how programs may be recorded by remote media server" wherein "[r]ecord requests generated by program guides implemented on interactive program guide television equipment . . . may be queued in request queue" and a "[c]onsolidator . . . consolidates multiple record requests for the same programs and places individual and group record jobs on job queue 120." See ¶ [0085]. As such, it appears that the "job queue" is simply a representation of the recording process of *Ellis III*, for example, representing the structure of a

memory associated with the system of *Ellis III*. In any event, it is clear that the "job queue" is separate from "program guides implemented on interactive program guide television equipment.

The Official Action also states that

In this case, the clarification of "electronic programming guide" by adding "in relation to scheduled times and channels" is not sufficient to overcome the cited reference. In particular, *Ellis* discloses election programming guide listing a plurality of scheduled broadcast programs in relation to scheduled time and channels (for example, in E355: figure 24, the electronic programming guide listing a plurality of scheduled broadcast programs such as "Seinfeld" in relation with channel 4 and scheduled time at 9:00 pm, "ER" in relation with channel 7 and schedule time at 10:00 PM).

See p. 3 of the Official Action. However, Applicant has in previous responses noted that *Ellis II* does not disclose "visually associating a user identifier with a scheduled broadcast program in an electronic program guide in response to receiving a user selection of the program in the electronic program guide." See, e.g., p. 13 of the Amendment filed June 6, 2008. As such, it is not pertinent to Applicant's arguments that *Ellis II* may disclose an electronic programming guide.

Overall, it appears that *Ellis* fails to disclose "selecting a specific instance of a broadcast program in an electronic programming guide" and "visually associating with the selected specific instance of the broadcast program a user identifier in the electronic programming guide in response to the user selection," as recited, in one form or another, in each of the independent claims. Further, none of *Proehl*, *Yuen*, or *Barnett* appears to cure the deficiency in *Ellis*. Indeed, none of *Proehl*, *Yuen*, or *Barnett* is cited by the Official Action for the proposition of teaching "selecting a specific instance of a broadcast program in an electronic programming guide" or "visually associating with the selected specific instance of the broadcast program a user identifier in the electronic programming guide in response to the user selection."

For at least the above reasons, Applicant respectfully submits that independent Claims 1, 10, 15, and 25, and the claims depending therefrom, are patentable over *Ellis, Proehl, Yuen*, and *Barnett*, taken either alone or in combination.

II. Claim Objection

Claim 2 was objected to as follows:

3. Claim 2 is objected to because of the following informalities:

Claim 2, lines 1-2, the limitation "the displayed electronic calendar" should be replaced as -- a displayed electronic calendar—

See p. 3 of the Official Action. However, Applicant notes that Claim 2 depends from Claim 38, which reads:

38. The method of claim 41, further comprising:
accessing the electronic calendar, the electronic calendar being capable of storing a plurality of event entries at a plurality of times and configured to store broadcast event entries related to scheduled broadcast programs and user-generated event entries related to scheduled non-broadcast-related events for at least one user; and
displaying the accessed electronic calendar on an electronic display.

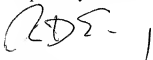
Applicant respectfully submits that Claim 2 does not require correction, and that the objection to Claim 2 should be withdrawn.

III. Conclusion

In view of the amended claims and the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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